

Docket No. 740756-2662

Serial No. 10/678,299

Page 12

REMARKS

The Office Action of October 3, 2005, was received and carefully reviewed. In response, Applicants have amended claims 2, 3, 5, 6, 8, 9, 11, 12, 15-17, 20, 23, 25, 27, 29, 31 and 33. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below. Claims 2-34 are currently pending.

Beginning on line 1 of page 2, the Office requires that a reference to parent Application No. 09/578,895 be inserted on page 1 of the specification. However, on October 6, 2003, Applicants filed an application data sheet with respect to the present application, which includes a claim for domestic priority to Application No. 09/578,895. As provided in part (a)(2) of Rule 1.78: "Unless the reference required in this paragraph is included in an application data sheet (§ 1.76), the specification must contain or be amended to contain such reference in the first sentence following the title" (emphasis added). Thus, in accordance with Rule 1.78, Applicants have properly made reference to domestic priority and are not required to include the specific reference in the specification. If the Office nevertheless desires provision of the parent application information on the first page of the specification, Applicants do not object to it being added by way of an examiner's amendment.

Also on page 2 of the Action, claims 3, 6, 9, 11, 15, 20-22, 27, 28, 33 and 24 are rejected under 35 U.S.C. §112, first paragraph. More particularly, Office points out that in claims 11 and 15, "µm" appears misprinted based on the description of page 10, and that in claims 3, 6, 9, 20, 27 and 33, the "source" or "impurity" region for a "second" transistor does not agree with the current control transistor of Figure 1. While Applicants appreciate the Office bringing these inadvertent errors to their attention, it is respectfully submitted that such errors should not warrant a rejection under Section 112, first paragraph, as one of ordinary skill in the art would have understood the intended language of the claims, especially when reading the claims in light of the specification. In any event, Applicants have amended claims 3, 6, 9, 11, 15, 20, 27 and 33 to address the concerns expressed in the Office Action. It is respectfully submitted that all pending claims fully comply with Section 112, first paragraph.

Page 2 also includes a rejection of claims 6, 9 and 16 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Office asserts that claims 6 and 9 fail to provide proper antecedent basis for the terms "switching" and "current control." Additionally, the

W695914.1

Docket No. 740756-2662

Serial No. 10/678,299

Page 13

Office notes a typographical error present in the dependency of claim 16. In response, Applicants have amended claims 6 and 9 to recite language, which has antecedent basis in respective independent claims 5 and 8, and to address the inadvertent error present in claim 16. It is respectfully submitted that these amendments obviate the rejection under Section 112, second paragraph.

Claims 2, 4, 5, 7, 8, 10-19, 23-26 and 29-32 are rejected as double patenting of the non-statutory type over allowed claims of parent Application No. 09/578,895. In response, Applicants submit herewith a Terminal Disclaimer with respect to the present application and prior Application No. 09/578,895, which obviates the rejection based on non-statutory double patenting. As such, Applicants request withdrawal of this rejection.

The Office Action also includes rejections of claims 2, 4, 5 and 7 under 35 U.S.C. § 102, as being anticipated by either Tang et al. (U.S. Patent No. 5,684,365) or Hosokawa (JP 10-189252). To the extent that the Office may consider these rejections to apply to the amended claims, Applicants respectfully traverse.

Independent claim 2 has been amended to recite, among other things, that “the first thin film transistor comprises at least two channel regions in an active layer, and at least two gate electrodes corresponding to the channel regions, over the active layer with a gate insulating film interposed therebetween, and an impurity region interposed between the channel regions.” Support for these features is found in the original specification and drawings, for example, in Figures 1 to 2B and starting at page 6 of the specification. In setting forth the rejection, the Office asserted that the recited “two or more channel regions connected in series” read on inherent subportions of a channel in a single thin film transistor (TFT), namely, a channel of transistor 21 of Hosokawa or a channel of TFT1 of Tang et al. It is respectfully submitted, however, that the single gate TFT structures shown in Hosokawa and Tang et al. cannot reasonably be interpreted to disclose what is presently recited in amended claim 2. Similar distinctions are set forth by the amended subject matter of independent claim 5. As such, claims 2 and 5 are considered allowable.

Claims 4 and 7 depend from one of claims 2 and 5, and are therefore allowable at least for the above stated reasons, and further for the additional features recited.

Additionally, independent claims 2, 5, 8, 12, 17, 20, 23, 25, 27, 29, 31 and 33 are amended to recite that the portable telephone includes “a display device.” For instance,

W695914.1

Docket No. 740756-2662

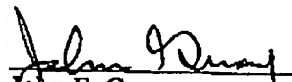
Serial No. 10/678,299

Page 14

Figure 20A shows an exemplary portable telephone including a display portion (also see, paragraph spanning pages 64 to 65 of the specification).

All objections and rejections raise in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and prompt notification of the same is earnestly sought. If a conference would expedite prosecution of the instant application, the Examiner is invited to telephone the undersigned at the number provided below to arrange such a conference.

Respectfully submitted,


John F. Guay
Registration No. 47,248

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8298

BEST AVAILABLE COPY

W695914.1